

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION, :

Plaintiff, : 16cv3505
-against- :
DEVON D. ARCHER, *et al.*, : ORDER

Defendants. :
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WILLIAM H. PAULEY III, District Judge:

On August 18, 2016, this Court conducted an initial pre-trial conference. The SEC, defendant Devon Archer, and non-party applicant for a protective order, Timothy Anderson, appeared in-person through counsel. Defendants Bevan Cooney and Gary Hirst appeared telephonically through counsel. Defendants Michelle Morton and John Galanis participated through their counsel in the parallel criminal action, United States v. Jason Galanis, 16-cr-371 (S.D.N.Y.). Defendant Hugh Dunkerley's absence was excused. (ECF No. 70.) Defendant Jason Galanis and intervenor, the United States Attorney's Office, did not appear. As discussed at the initial pre-trial conference, this Court orders as follows:

1. All discovery on behalf of or directed toward defendants John Galanis, Jason Galanis, Michelle Morton, and Hugh Dunkerley—who are not formally represented in this action—is stayed. These defendants shall apprise this Court if any of them obtains formal representation in this action. (See Transcript of August 18, 2016 Hr'g Tr. (“Tr.”), at 11, 16.)
2. Discovery may proceed with respect to the three represented defendants—Archer, Cooney, and Hirst—except as provided by this Order and this Court’s prior order (ECF No. 54). (See Tr. at 16.)
3. The SEC and defendants Archer, Cooney, and Hirst may serve Rule 45 subpoenas and otherwise seek discovery, including discovery from third parties, in accord with this Order and this Court’s prior order (ECF No. 54).

4. On consent, initial disclosures for those parties for whom discovery is not stayed shall be exchanged by August 25, 2016. (Tr. at 17, 19.)
5. If any defendant invokes his Fifth Amendment rights in response to discovery requests, the parties shall notify this Court, and discovery on behalf of—and directed toward—that defendant shall be stayed. This Court will expunge any proper Fifth Amendment invocation arising from charges that are dropped by the Government or of which the defendant is acquitted in the criminal action. (Tr. at 18.)
6. The parties shall appear for a status conference on November 18, 2016 at 3:30 p.m. The parties shall file a letter with this Court if they believe such a conference is unnecessary.

The Clerk of Court is directed to mail copies of this Order to Michelle Morton, John Galanis, Jason Galanis, and Hugh Dunkerley and note service on the docket. The Clerk of Court is further directed to close the motions pending at ECF Nos. 17, 65, and 68.

August 24, 2016
New York, New York

SO ORDERED:



WILLIAM H. PAULEY III

U.S.D.J.